

Message Text

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DRAFTED BY EUR/CE:JKWARD:KP

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FM SECSTATE WASHDC

TO AMEMBASSY BERLIN

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E.O. 11652:N/A

TAGS: PFOR, GE

SUBJECT: GDR CLAIM TO RECOVER ALBRECHT DUERER PORTRAITS

1. EUR/CE ACTING DIRECTOR HANDED US NOTE REGARDING DUERER PORTRAITS TO GDR CHARGE ELM JULY 3. NOTE, WHICH RESPONDED TO GDR NOTE OF MAY 15, 1975, REVIEWED BACKGROUND OF CASE AND STRESSED USG INTEREST IN SEEING TO IT THAT CULTURAL AND OTHER PROPERTIES TAKEN DURING HOSTILITIES ARE RETURNED TO RIGHTFUL OWNERS. USG HAS USED ITS GOOD OFFICES TO URGE RETURN OF SUCH PROPERTIES WHEN THESE ARE FOUND TO BE IN HANDS OF PRIVATE US CITIZENS. WHERE THESE EFFORTS HAVE NOT BEEN SUCCESSFUL, USG HAS POINTED OUT TO CLAIMANTS AVAILABILITY OF JUDICIAL REMEDIES AND HAS ENCOURAGED RECOURSE TO SUCH REMEDIES. USG HAS DONE THIS IN CASE IN WHICH FRG AND GRAND DUCHESS OF SAXONY WEIMAR WERE ORIGINAL PARTIES AND TO WHICH THE WEIMAR MUSEUM, REPRESENTING THE GDR, HAS NOW BEEN ADMITTED AS A PARTY.

2. NOTE CONCLUDES THAT DISPOSITION OF DUERER PORTRAITS IN THE HANDS OF THE COURTS. IN CIRCUMSTANCES OF THIS CASE, DEPARTMENT DOES NOT CONSIDER THAT USG WOULD HAVE LIMITED OFFICIAL USE
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RESPONSIBILITY FOR RETURN OF PAINTINGS TO THE WEIMAR MUSEUM. AS PREVIOUSLY STATED, UNDER US CONSTITUTIONAL SYSTEM, IT IS UP TO THE COURTS AND NOT THE EXECUTIVE BRANCH TO DETERMINE TRUE OWNERSHIP OF

PAINTINGS IN QUESTION. DEPARTMENT, HOWEVER, CONTINUES TO FOLLOW LITIGATION IN THIS CASE.

3. ELM ACCEPTED NOTE AND SAID HE WOULD TRANSMIT IT TO BERLIN. HE ASKED WHETHER USG, UNDER TERMS OF VARIOUS INTERNATIONAL AGREEMENTS, DOES NOT IN FACT HAVE CERTAIN RESPONSIBILITIES TO INTERVENE DIRECTLY IN CASES CONCERNING DISPUTED POSSESSION OF CULTURAL PROPERTIES SUCH AS DUERER PAINTINGS AND WHETHER USG HAD NOT ITSELF INSTITUTED SUITS TO RECOVER CULTURAL PROPERTY. LEGAL OFFICE REPRESENTATIVE MAURER RESPONDED TO THIS, NOTING THAT USG'S INTERPRETATION OF ITS OBLIGATIONS IS THAT STATED IN US NOTE AND ADDED THAT WHILE WE HAD USED OUR GOOD OFFICES, WE HAD NOT INSTITUTED A SUIT. KISSINGER

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